

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

BNSF Railway Company,	)	
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Superior Grains, Inc.,	)	
	)	Case No. 4:09-cv-001
Defendant.	)	

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On July 29, 2009, the parties filed a stipulation wherein they agreed to an extension of the dispositive motion deadline as well as a continuance of trial. The court **ADOPTS** the parties stipulation. The trial, which is set to commence on October 20, 2009, shall be rescheduled for February 2, 2010, at 9:30 a.m. in Minot before Judge Hovland. A three day trial is anticipated. The final pretrial conference set for October 6, 2009, shall be rescheduled for Tuesday, January 19, 2009, at 9:00 a.m. via telephone conference call to be initiated by the court. Finally, the deadline for filing dispositive motions shall be extended until October 5, 2009.

**IT IS SO ORDERED.**

Dated this 31st day of July, 2009.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr.  
United States Magistrate Judge